



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: March 15, 2010
AGENDA DATE: March 24, 2010
PROJECT ADDRESS: 222 Helena Avenue (MST2009-00519)
 "The Pub"
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *RK*
 Daniel Gullett, Associate Planner *DPG*

I. PROJECT DESCRIPTION

The project consists of a change of use of the former Living Green tenant space at 222 Helena Avenue to a new bar/restaurant, a new trash enclosure, and a new accessible front entry that would result in a net loss of 34 sf of non-residential floor area.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification of the parking requirement to allow less than the required number of parking spaces (SBMC Subsections 28.90.001.N, 28.90.100.J.16 and 28.92.110.A.1); and
2. A Coastal Development Permit (CDP2010-00002) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

III. RECOMMENDATION

As conditioned, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the Coastal Act and the City's Local Coastal Plan. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

APPLICATION DEEMED COMPLETE: February 16, 2010
DATE ACTION REQUIRED: May 17, 2010

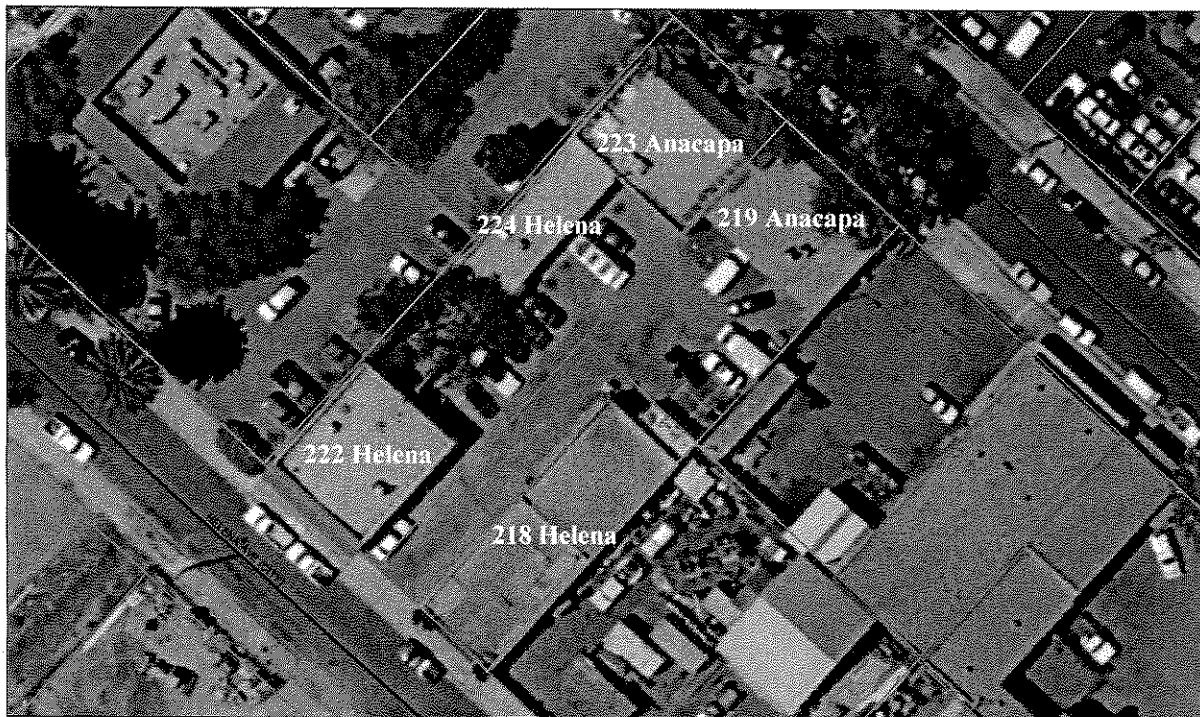


Figure 1: 2004 Aerial



Figure 2: Aerial Perspective

IV. SITE INFORMATION AND PROJECT STATISTICS

SITE INFORMATION

Applicant Sherry & Associates Architects	Property Owner Banker's Mortgage Realty Advisors
Parcel Number 033-052-020	Lot Area 0.23 acres
General Plan Hotel & Related Commerce II	Zoning OC/HRC-2/SD-3
Existing Use Storage and Adult Bookstore	Topography 1% average slope
Adjacent Land Uses	
North – Office South - Vacant	East – General Industrial West – Adult Live Entertainment Theater

PROJECT STATISTICS

	Existing	Proposed
Net Building Area	1,805 sf	1,771 sf
Uncovered Patio	572 sf	no change
Interior Patron Area	1,569 sf	919 sf

V. ZONING ORDINANCE CONSISTENCY

	Requirement/Allowance	Existing	Proposed
Front Setback	10 ft	non conforming	no change
Building Height	45 ft	<16 ft	no change
Auto Parking	12 spaces	non conforming	no change
Bicycle Parking	1 space	0 spaces	1 space

The proposed project would meet the requirements of the OC/HRC-2/SD-3 Zones, with the exception of the number of required automobile parking spaces as discussed below.

Automobile Parking

The Zoning Ordinance requirement for additional parking spaces associated with a change of use is the difference between the number of parking spaces required for the new use and the number of parking spaces provided by the prior legal use (SBMC Subsection 28.90.001.N). In this case, the prior use was Living Green, which had a parking requirement of one space per 500 sf, for a total of four automobile spaces for the 1,805 sf building. The parking requirement for a restaurant is one space per three seats. Since 36 seats are proposed for The Pub, 12 total spaces are required, eight additional spaces beyond the requirement for the previous use.

Eight additional spaces are not available on the project site. Parking for the subject property is provided in a 20 space parking lot shared by businesses on three contiguous parcels, including the subject parcel (APNs 033-052-020, 033-052-012, and 033-052-007). The number of shared parking spaces is currently non-conforming to the Zoning Ordinance parking requirements. The owner of the three parcels has agreed to limit the hours of three of the businesses, such that the number of parking spaces required by the zoning ordinance is met by all uses at all times (see Exhibit D for the parking study).

The Pub is proposed to operate between 6PM to 2AM. The current Zoning Ordinance parking requirement for the evening uses (The Pub, adult video store, and storage facility) is 19 spaces, and the current Zoning Ordinance parking requirement for the daytime uses (all uses excluding The Pub) is 20 spaces. The recommended conditions of approval (Exhibit A) limit the hours of operation of the businesses and require that the owner either merge the three parcels or execute a parking agreement among the three parcels. The recommended conditions also require that the property owner notify existing and future tenants of the use and timing requirements, and that the Community Development Director review any proposed change of use of any tenant space to identify the parking requirement for the new use and the appropriate level of coastal review.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by ABR on consent February 1, 2010 (meeting minutes are attached as Exhibit E). The ABR continued the project to the Staff Hearing Officer and asked that the project return to ABR consent for consideration of preliminary approval with an alternate material for the trash enclosure.

B. COMPLIANCE WITH THE COASTAL ACT AND LOCAL COASTAL PLAN

Approval of the Coastal Development Permit requires that the Staff Hearing Officer make the findings that the proposed development is consistent with the California Coastal Act and the Local Coastal Plan. A discussion of consistency with pertinent policies follows.

California Coastal Act

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it....

The 222 Helena building is located within an existing developed area able to accommodate the development with public safety services, utility infrastructure, and traffic capacity. Therefore, the project is consistent with this policy.

City of Santa Barbara Local Coastal Plan

The Local Coastal Plan identifies the project location within Component 4, which extends between Chapala St. to Santa Barbara St. The subject property is located in an area set aside for Ocean-Oriented Uses. The stated purpose of the Ocean-Oriented Commercial area is to foster a vital, mixed-use neighborhood in the Waterfront. Land uses are encouraged that maintain and enhance the desirability of the Waterfront as a place to work, visit, and live. The list of appropriate Ocean-Oriented Commercial land uses includes restaurants. Relevant major coastal issues identified in Component 4 are visitor-serving use, visual quality, and adequate circulation and parking facilities.

LCP Policy 4.2

New visitor-serving development permitted pursuant to Policy 4.1 shall be:

- (1) Reviewed by the Architectural Board of Review or the Historic Landmarks Commission for compatible architectural design;*
- (2) Be consistent with the adopted LCP Visual Quality Policies;*
- (3) Provide to the maximum extent feasible, public view corridors, open spaces, and pedestrian (and/or bicycle) walkways and facilities;*
- (4) Provide adequate off-street parking to serve the needs generated by the development; and*
- (5) Provide measures to mitigate circulation impacts associated with the project, including but not limited to coordination with the Redevelopment Agency's Transportation Plans for the area, provision of in-lieu fees, provision of bicycle facilities, or other appropriate means of mitigation.*

- (1) The exterior alterations to the 222 Helena building and new trash enclosure were reviewed by ABR on consent and forwarded to the Staff Hearing Officer for consideration with a minor comment regarding a change of trash enclosure materials.
- (2) The project is consistent with the adopted LCP Visual Quality policies, including Policy 9.1, as discussed below.
- (3) Since the proposed project is primarily a tenant improvement with minimal changes to existing structures, there is no real opportunity for a public view corridor or additional open space. The existing Helena Ave. frontage includes 10 ft of sidewalk from the face of curb to the building and, since the 222 Helena building footprint is not proposed to change, Staff supports the maintenance of the 10 ft wide pedestrian area on Helena Ave.
- (4) As described above, adequate off-street parking is provided to serve the needs of the new use and the existing uses on the three affected parcels.
- (5) One on-site bicycle parking space would be provided in addition to two bicycle hitching posts that would be provided by the City on the Helena Ave. frontage.

LCP Policy 9.1

The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved and enhanced.

Since the exterior changes of the project consist of a new trash enclosure, and minor exterior alterations to the 222 Helena building and no new building or structure is located within any

viewshed to, from, or along the ocean or scenic coastal areas, the project preserves the existing views. The proposed project is, therefore, consistent with this policy.

LCP Policy 11.5

All new development in the waterfront area, excepting Stearns Wharf, shall provide adequate off-street parking to fully meet their peak needs. Parking needs for individual developments shall be evaluated on a site-specific basis and at minimum be consistent with City Ordinance requirements.

The change of use of the 222 Helena building from the Living Green commercial use to a bar/restaurant would result in an additional parking requirement of eight automobile parking spaces. With the conjunctive use of parking and the limitation on operational hours and uses, the provided off-street parking would be consistent with City Ordinance requirements. Therefore, the project, as conditioned, is consistent with this policy.

C. ENVIRONMENTAL REVIEW

The Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) identify types of projects that are generally exempt from CEQA review. The City's Environmental Analyst determined that this project qualifies for a categorical exemption pursuant CEQA Guidelines Section 15303, which provides for new construction and conversion of small structures. The CEQA Guidelines provides examples of projects that qualify for this exemption class including: restaurants not exceeding 2,500 ft in floor area and accessory structures such as carports and fences.

VII. FINDINGS

The Staff Hearing Officer finds the following:

A. PARKING MODIFICATION (SBMC §28.92.110)

The modification of automobile parking requirements to allow less than the required eight additional parking spaces would not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space in the immediate area because the restrictions on operational hours and uses on the three parcels provide for the zoning ordinance-required parking for each of the five businesses during the times that they are operating.

The requested modification is not part of the approval of a tentative subdivision map, conditional use permit, development plan, site plan, plot plan, or any other matter which requires approval of the Planning Commission; and if granted, the modification would not significantly affect persons or property owners other than those entitled to notice.

B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. *The project is consistent with the policies of the California Coastal Act.*

As shown in Section VI.B of this Staff Report, the proposed project is consistent with the policies of the California Coastal Act.

2. *The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.*

As shown in Section VI.B of this Staff Report, the proposed project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines and, with the requested parking modification, all applicable provisions of the of the Municipal Code.

Exhibits:

- A. Conditions of Approval
- B. Reduced Site Plan and Floor Plan
- C. Applicant's letter, dated September 29, 2009
- D. Parking Study dated January 12, 2009
- E. ABR Minutes of February 1, 2010

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

222 HELENA AVENUE
COASTAL DEVELOPMENT PERMIT & PARKING MODIFICATION
MARCH 24, 2010

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Staff Hearing Officer land use condition has been satisfied:

1. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.

B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on March 24, 2010 is limited to the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Use and Timing Limitations.** Due to potential parking impacts, uses and times of uses shall be limited consistent with the Parking Study prepared by Associated Transportation Engineers dated January 12, 2010, as follows:

Address	Area/ Seats	Land Use	Parking Requirement	Operational Hours
218 Helena A&C	2,818 sf	Gen. Industrial	1:500sf (6 spaces)	6 AM – 6 PM
219 Anacapa	1,808 sf	Restaurant	4:1,000sf (7 spaces)	6 AM – 6 PM
223 Anacapa	1,823 sf	Commercial	4:1,000sf (7 spaces)	24 Hours
222 Helena	36 seats	Restaurant	1:3 seats(12 spaces)	6 PM – 2 AM
224 Helena	1,229 sf	Storage	1:5000sf (0 spaces)	24 Hours

Prior to initiating a change of use of any tenant space on the Real Property known as APNs 033-052-020, 033-052-012, and 033-052-007, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner. Any change of use requiring additional parking would require compliance with the Zoning Ordinance Parking Requirements and Staff Hearing Officer or Planning Commission approval of a Coastal Development Permit.

3. **Voluntary Lot Merger or Off-Site Parking Agreement Required.** The Owner shall either: (1) merge the Real Property known as APNs 033-052-020, 033-052-

012, and 033-052-007 into one lot, following the procedure in Santa Barbara Municipal Code Chapter 27.30 or (2) provide an off-site parking to meet the parking demand, as determined by the Public Works Director. Any off-site parking agreement shall be prepared consistent with the provisions outlined in SBMC Subsection 28.90.001.R. If the Public Works Director determines that parking demand generated by the project is not met, the project shall be returned to the Staff Hearing Officer for further review and consideration.

4. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
5. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
6. **Car Wash Prohibition.** Any business whose activity involves washing, steam cleaning, or detailing motor vehicles is prohibited on the subject property.
7. **Tenant Notification.** The Owner shall provide a copy of the recorded conditions agreement to all current and future tenants of the tenant spaces on the Real Property known as APNs 033-052-020, 033-052-012, and 033-052-007.

C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Helena Avenue Public Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on Helena Avenue. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: approximately 40 lf of sidewalk, cracked and or uplifted curbs & gutters, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
2. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
3. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
4. **Voluntary Lot Merger.** If the Owner chooses to merge the Real Property known as APNs 033-052-020, 033-052-012, and 033-052-007 pursuant to Condition B.3, the three lots shall be merged into one (1) lot following the procedure in Santa

Barbara Municipal Code Chapter 27.30 and the owner shall provide evidence of completion of the merger prior to issuance of the building permit.

- D. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:
1. **Off-Site Parking Agreement.** If the lots known as APNs 033-052-020, 033-052-012, and 033 are not merged, submit an off-site parking agreement to provide off-site parking that complies with the provisions of Subsection 28.90.001.18 of the Santa Barbara Municipal Code. This agreement would be subject to review and approval by the Community Development Director and the City Attorney.
 2. **Tenant Notification.** The Owner shall provide a copy of the notification provided to all existing tenants of the Real Property currently known as APNs 033-052-020, 033-052-012, and 033 pursuant to Condition B.7.
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review outlined in Section A above.
 2. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
 3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

The trash enclosure shall be accessible and be on an accessible path of travel.
 4. **Recyclable Material Use and Collection.** Hotel and restaurant operators shall provide sufficient and appropriate recycling receptacles in each room. Recyclable material and green waste collection and pick-up areas shall be provided on-site for the hotel and restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
 5. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for

review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date
Contractor	Date
Contractor	License No.
Architect	Date
Architect	License No.
Engineer	Date
Engineer	License No.

F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager
2. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
3. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.

4. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Complete all public improvements as shown in the improvement/building plans.
- H. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further

agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Staff Hearing Officer's action approving the Parking Modification shall terminate two years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

SITE REFERENCE NOTES:

- [illegible]

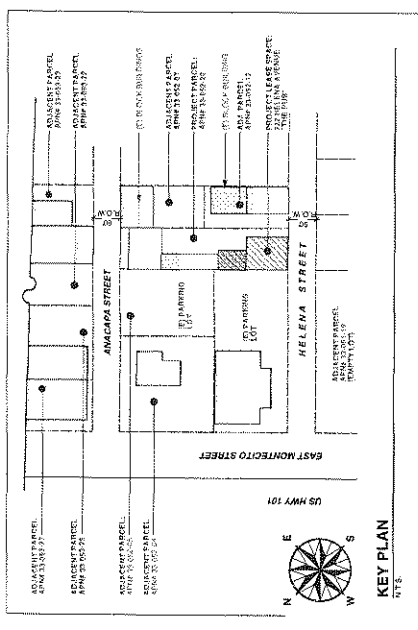
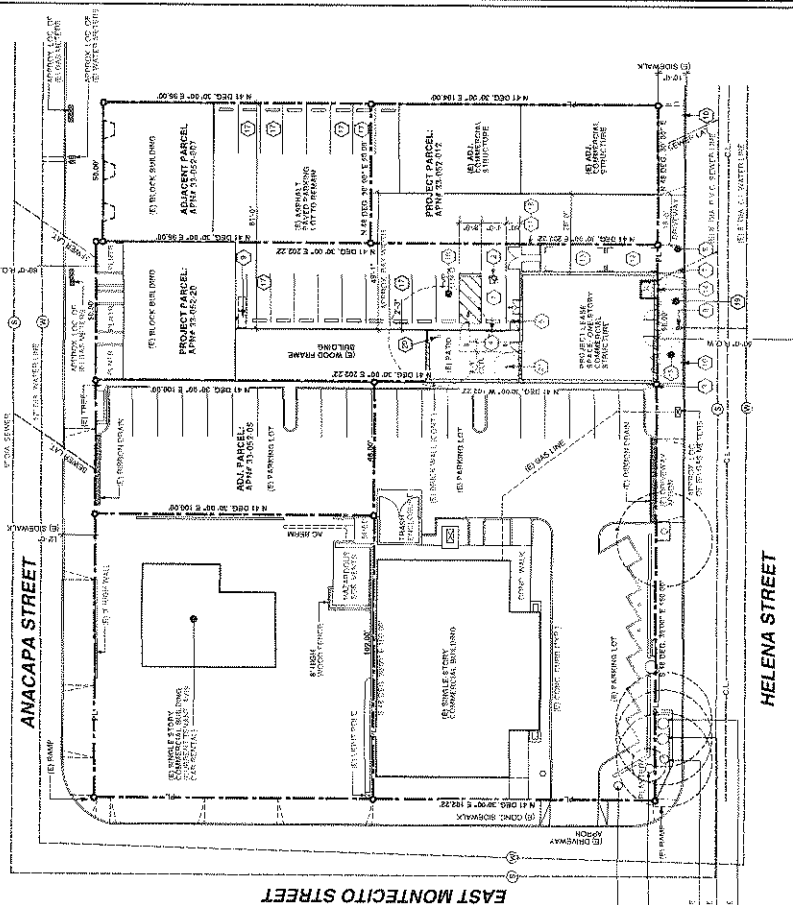
ADDITIONAL ACCESSIBLE PARKING NOTE:

[illegible]

NOTE REGARDING SEWER

LATERAL:
LUNGING CONTRACTION 10-12% VIBES 20-25%
CENTRAL LOCATION AND ORBITALITY OF BILVER
STRAIL WITHIN 100% OF CIRCUMFERENCE AND
WATER RESISTANT OF 200000

NOTE: ARROWS INDICATE ACCESSIBLE PATH OF TRAVEL FROM THE ACCESSIBLE PARKING SPACE TO NEAREST ACCESSIBLE ENTRANCE OF BUILDING OR PROJECT LEASE SPACE



Sherry and Associates, Architects
513 Santa Barbara Street
Santa Barbara, CA 93101
(805) 963-0986

RECEIVED
NOV 16 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

TRANSMITTAL

DATE: September 29, 2009
TO: City Planning & Zoning Department
ATTN: Roxanne Milazzo, Staff Hearing Officer
FROM: David Watkins/ Sherry and Associates, Architects
(805) 963-0986 Fax: (805) 963-0178
RE: 222 Helena Avenue Parking Proposal

To Whom It May Concern,

It has come to our attention that the parking for our project is unresolved. We propose that the property owner establish a parking agreement within the parking lot shared by parcels APN #33-052-020 and APN# 033-052-007, which stipulates that each space could be used by a specific business depending on the hours of operation. This agreement would eliminate obtaining Parking Agreements with nearby parcels, and avoid submittal of a Request for an Off-Street Parking Waiver by our project lease space.

Although a project history can be found within the street files, there are two separate street files for the commercial lease space, with incomplete information contained within each parcel regarding parking for the individual lease spaces. There are no recorded documents in the street files that show a parking layout specifically approved by City Zoning Department, including a detailed allocation of all spaces. The lack of an established parking layout has prevented our office from accurately showing the correct allocation of spaces.

The same entity owns both of the above-mentioned parcels that share this parking lot in question, therefore the feasibility of an agreement is possible because the hours of operation for our client's business, "The Pub" would be limited to late evenings, Monday-Saturday, while adjacent the businesses, designated as Retail use, would operate during normal business hours. Therefore, a Parking Agreement that allows several businesses to use the same spaces (dependent upon maintaining a clear distinction of hours of usage by each respective business) could be easily drafted and signed by the business owner, and clearly defined on-site.

Here are the total required spaces for the parking lot based on current use:

217/219 Anacapa (Hidden Dolphin/Backdoor Industries Retail Spaces):
 $\pm 1808 \text{ sf} / 250 = 7.23 \text{ spaces}$

223 Anacapa: (Adult Bookstore): $\pm 1823 \text{ sf} / 250 = 7.29 \text{ spaces}$. The Adult Bookstore is opened 24 hours/ days, so "The Pub" might not be able to share their required parking spaces.

218 "A" Helena (Former Living Green Art Gallery/ showroom): $\pm 1492 \text{ sf} / 500 = 2.98 \text{ spaces}$

218 "C" Helena (Auto repair): $\pm 1326 \text{ sf}$, Four interior parking spaces = 4 spaces

222 Helena *Project Lease Space* (Art Gallery/ showroom) = $1805 \text{ sf} / 500 = 3.61 \text{ spaces}$

224 Helena (Storage): $\pm 1229 \text{ sf} / 5000 = 0.25 \text{ spaces}$

The Transportation Department has determined the existing parking lot to have twenty (20) total spaces. Out of the above-listed spaces, "The Pub" has the ability (as we are being told) to use all of the parking spaces in the evenings from all other lease spaces, whose daytime business hours will not overlap with "The Pub's" proposed evening hours of operation. Of the total parking spaces, eight (8) are used 24-hours a day by the Adult Lease space. So, twelve (12) total spaces would be leftover for our lease space's use under a shared-parking agreement.

We feel that this proposal is the best solution to the question as to how the parking lot's spaces are shared. We hope that this proposal is acceptable with City staff. Please feel free to contact our office if you have any questions.

Sincerely,



David Watkins



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP PTP

RECEIVED
JAN 14 2010

January 12, 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

09070L02.wpd

David Watkins
Sherry and Associates Architects
513 Santa Barbara Street
Santa Barbara, CA 93101

PARKING STUDY FOR THE PUB RESTAURANT & BAR, CITY OF SANTA BARBARA, CALIFORNIA

Associated Transportation Engineers (ATE) has prepared the following parking study for The Pub restaurant and bar, proposed at 222 Helena Avenue in the Santa Barbara. The study reviews the City Zoning Ordinance parking requirements for the project and the adjacent businesses then provides an analysis of the parking demands based on the City's requirements and determined if the parking supply is sufficient.

PROJECT DESCRIPTION

The Pub restaurant and bar is proposing to convert a vacant 1,805 square foot (SF) building into a restaurant and bar. The Pub hours of operation would be between 6:00 P.M. to 2:00 A.M., Monday through Saturday. The owner would operate the restaurant after the adjacent businesses have closed for the day. In the evenings The Pub would utilize the on-site parking used by the other businesses which lease space on the adjacent parcels which are owned by the project applicant. The project requires 12 parking spaces, which would be provided by 20 surface parking spaces on the project site. A bike rack will also be included on site for visitors wishing to bike to The Pub.

Table 1
Building Square Footage
Day Uses 6 A.M. to 6 P.M.

Site Components	General Hours of Operation	Size
Adult Video/Book Store - 223 Anacapa St.	24 Hours	1,823 SF
Storage - 224 Helena	6 A.M. to 6 P.M.	1,229 SF
Frame Shop - 218 Helena #A/#C	6 A.M. to 6 P.M.	2,818 SF
Restaurant (Catering Truck) - 219 Anacapa	6 A.M. to 6 P.M.	1,808 SF
Total		7,678 SF

Table 2
Building Square Footage
Night Uses 6 P.M. to 2 A.M.

Site Components	General Hours of Operation	Size
Adult Video/Book Store - 223 Anacapa	24 Hours	1,823 SF
The Pub - 222 Helena	6 P.M. to 2 A.M.	1,805 SF
Total		3,628 SF

The site components, hours of operation and building sizes for the various businesses on the adjacent parcels are presented in Tables 1 and 2. As illustrated in the two tables, The Pub and the Adult Video/Book Store would be open at the same time while there would be only a one hour overlap between in the hours of operation for The Pub and the other adjacent businesses.

CITY OF SANTA BARBARA ZONING ORDINANCE REQUIREMENTS

The project is located on land zoned Hotel and Related Commerce (HRC)/Ocean Oriented Commercial (OC) per the City of Santa Barbara. City of Santa Barbara Zoning Ordinance parking requirement ratios for each of the parcel components including the project are summarized below:

Adult Video/Book Store:	4 parking spaces/1,000 SF
The Pub:	1 parking space/3 seats or 4 parking spaces/1,000 SF
Storage:	1 parking space/5,000 SF
Frame Shop:	1 parking space/500 SF
Restaurant:	1 parking space/3 seats or 4 parking spaces/1,000 SF

Based on these ratios, the Zoning Ordinance parking requirements for the businesses were calculated as shown in Tables 3 and 4.

Table 3
The Pub Project
City of Santa Barbara Zoning Ordinance Parking Requirements
Day Uses 6 A.M. to 6 P.M.

Site Components	General Hours of Operation	Size	City Parking Ratio	Parking Requirement
Adult Video/Book Store - 223 Anacapa	24 Hours	1,823 SF	4 spaces/1,000 SF	7 spaces
Storage - 224 Helena	6 A.M. to 6 P.M.	1,229 SF	1 space/5,000 SF	0 spaces
Frame Shop - 218 Helena #A/#C	6 A.M. to 6 P.M.	2,818 SF	1 space/500 SF	6 spaces
Restaurant - 219 Anacapa	6 A.M. to 6 P.M.	1,808 SF	4 spaces/1,000 SF	7 spaces
Total:				20 spaces

Table 4
The Pub Project
City of Santa Barbara Zoning Ordinance Parking Requirements
Night Uses 6 P.M. to 2 A.M.

Site Components	General Hours of Operation	Size	City Parking Ratio	Parking Requirement
Adult Video/Book Store - 223 Anacapa	24 Hours	1,823 SF	4 spaces/1,000 SF	7 spaces
The Pub - 222 Helena	6 P.M. to 2 A.M.	36 seats	1 space/3 seats	12 spaces
Total:				19 spaces

Based on the Zoning Ordinance, the parking requirement for The Pub is 12 spaces. The parking for the businesses open during the day (6 A.M. to 6 P.M.) is 20 spaces. The parking requirement for the businesses open during the night (6 P.M. to 2 A.M.) is 19 spaces. The data presented in Tables 2 and 3 indicate that the 20 on-site spaces would accommodate these parking requirements.

As previously mentioned only the Adult Video/Book Store and The Pub restaurant uses are both operational and would share parking during the same hours. As long as the other adjacent businesses are closed after 6:00 P.M., the site parking demands would be accommodated by the on-site parking provided.

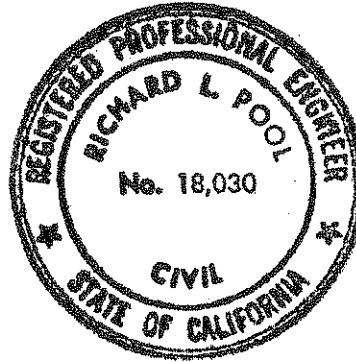
Associated Transportation Engineers



Richard L. Pool, P.E.
President

RLP/DFN/wp

Attachments: Project Site Plan



ABR February 1, 2010 Consent Minutes

222 Helena Avenue

OC/HRC-2/SD-3 Zones

Assessor's Parcel Number: 033-052-020

Application Number: MST2009-00519

Owner: Bernard MacElhenny, Jr.

Architect: Sherry & Associates

(Proposal for a minor entry façade remodel to provide an ADA accessible entry for a new tenant at an existing commercial building on a 10,211 square foot lot. The remodel would result in a net loss of 34 square feet of the existing 1,805 square foot building. Other site work includes a new bicycle parking space and a new trash enclosure. The project is located in the non-appealable jurisdiction of the coastal zone. The project requires review by the Staff Hearing Officer for a requested parking modification and a Coastal Development Permit.)

(Comments only; project requires Environmental Assessment and Staff Hearing Officer review for a Coastal Development Permit.)

A letter in opposition from Paula Westbury was acknowledged.

Continued indefinitely to Staff Hearing Officer and return to consent.

1) Replace the "cedar" siding on the trash enclosure to "redwood".

